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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,385	07/05/2002	Andreas Stiegler	West.6492	7062
50811	7590	06/08/2010		
O'Shea Getz P.C. 1500 MAIN ST. SUITE 912 SPRINGFIELD, MA 01115			EXAMINER NEWLIN, TIMOTHY R	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 06/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/009,385

Applicant(s)

STIEGLER ET AL.

Examiner

Timothy R. Newlin

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant argues that modifying Edens with Nusbickel would render Edens unusable for its intended purpose, emphasizing that Edens only transmits video in compressed form and provides a video decoder at each display. Examiner disagrees. The network in Edens is capable of simultaneously carrying data streams of multiple types including compressed or decompressed forms. Edens, col. 11, ll. 5-30. Therefore, modifying Edens to transmit decompressed data to thin clients (i.e. without decoders), as taught by Nusbickel, would not interfere with the normal operation of the Eden's ring network. The fact that each video display in Edens' Fig. 1 is provided with a decoder does not preclude the addition of a shared decoder (e.g. Nusbickel's server 21, col. 9, ll. 11-12) and connecting additional displays to receive decompressed data directly. Moreover, Edens already sends uncompressed *audio* data via the network, which would suggest that the same technique could be applied to video data.

Applicant reads Nusbickel as criticizing the technique in Edens; however, the portions cited by Applicant serve as motivation to improve Edens by incorporating Nusbickel, rather than a suggestion that the systems could not be combined. While the references differ in transmission technique (a fact that is acknowledged in the rejection), they both disclose ring networks that distribute A/V data to multiple clients and are thus analogous and combinable for purposes of obviousness.

For the reasons above, Applicant's argument is unpersuasive and the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al., US 6,611,537 in view of Nusbickel et al., US 5,642,151. Edens teaches a local network having a ring network configuration with a plurality of devices each connected within the ring network by a data line to transmit and receive data therebetween, the local network comprising:

a first device configured as a data source that transmits compressed audio and video data onto the ring network [e.g. DVD player or DSS receiver, col. 58, 37-53];

a second device that receives decompressed audio data [e.g. speakers 167, 168, 153, 156];

a third device that receives decompressed video data [e.g. TV 165, Fig. 1],

a fourth device that includes

(i) a bit stream decoder that decodes the compressed audio and video data and provides decompressed audio and video data **[decoder 161, Fig. 1, col. 14, l. 10; a/s/o see decoder 3814, col. 102-103, ll. 56-14; Fig. 21(o)]**;

(ii) a separation stage that receives the decompressed audio and video data and separates the decompressed audio and video data to provide the decompressed audio data signal and the decompressed video data signal **[audio is “extracted”, i.e. separated, from video that is displayed on TV 155 or 165, col. 14, 7-19; also see, e.g., Fig. 21(o)]**; and

(iii) a control unit **[system command stream processor, Fig. 14(a), serves as control unit, cols. 71-74]** that controls the transmission of the decompressed audio data signal onto the ring network **[decompressed audio is transmitted back onto network, col. 14, 11-19; col. 31, 38-42]**.

where the second, third and fourth devices each comprise a data sink and the second, third and fourth devices are separate from each other and connected within the ring network by the data line **[the devices in Edens are logically and physically separate, and are all connected to the ring network data line 120, Fig. 1]**.

Examiner notes that a data “sink” is typically defined as a node or device that has incoming branches/data *only*. However, the claim defines the fourth device as a sink, and the fourth device not only receives but *transmits* data as well. So for purposes of examination, the term “sink” may refer to any device that receives data, whether or not the device also transmits data.

While the claim recites "subscribers" rather than devices, the term is broadly construed to mean "devices connected (i.e. subscribing) to a data distribution service", such as that disclosed in Edens. There is no requirement that the subscribers are in separate homes or are in fact different people. Moreover, the claim recites that a subscriber comprises a data sink, which supports the interpretation that a subscriber is equivalent to an individual device. Edens therefore meets the claimed subscriber network.

Edens is silent on transmitting decompressed video data onto the ring network. Nusbickel provides decompressed video signals to a ring network **[Abstract; col. 9, 9-29; Fig. 2]**, in part to decrease cost and complexity of end user devices **[col. 2, 14-18]**. Given that motivation, it would have been obvious to one of ordinary skill that Edens could be modified to transmit decompressed signals onto the ring network, thereby supporting devices without dedicated video decoders. Edens itself suggests such a modification by 1) describing how audio data is decompressed at an MPEG decoder, transmitted back onto ring network, then received and played by devices without a decoder, e.g. a speaker **[col. 14, 11-18; also see col. 14, 61-64, noting that network devices need not be complex or expensive]**. A person familiar with video processing would understand that a similar process, such as that taught by Nusbickel, could be used with video data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

TRN